



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1846

Introduced 2/15/2013, by Sen. John G. Mulroe

SYNOPSIS AS INTRODUCED:

735 ILCS 5/5-105.5

Amends the Code of Civil Procedure. Defines "court-sponsored pro bono program" as a pro bono program established by or in partnership with a circuit court in this State for the purpose of providing free civil legal services by an organized panel of pro bono attorneys. Changes the definition of "indigent person" to mean a person whose income is 125% or less of the current official federal poverty income guidelines or who is otherwise eligible to receive civil legal services under the eligibility guidelines of the civil legal services provider or court-sponsored pro bono program (instead of under the Legal Services Corporation Act of 1974). Makes a subsection waiving certain court fees applicable to filings by attorneys in court-sponsored pro bono programs.

LRB098 06368 HEP 36410 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by
5 changing Section 5-105.5 as follows:

6 (735 ILCS 5/5-105.5)

7 Sec. 5-105.5. Representation by civil legal services
8 provider.

9 (a) As used in this Section:

10 "Civil legal services" means legal services in noncriminal
11 matters provided without charge to indigent persons who have
12 been found eligible under financial eligibility guidelines
13 established by the civil legal services provider.

14 "Court-sponsored pro bono program" means a pro bono program
15 established by or in partnership with a circuit court in this
16 State for the purpose of providing free civil legal services by
17 an organized panel of pro bono attorneys.

18 "Civil legal services provider" means a not-for-profit
19 corporation that (i) employs one or more attorneys who are
20 licensed to practice law in the State of Illinois and who
21 directly provide civil legal services or (ii) is established
22 for the purpose of providing civil legal services by an
23 organized panel of pro bono attorneys.

1 "Eligible client" means an indigent person who has been
2 found eligible for civil legal services by a civil legal
3 services provider.

4 "Indigent person" means a person whose income is 125% or
5 less of the current official federal poverty income guidelines
6 or who is otherwise eligible to receive civil legal services
7 under the eligibility guidelines of the civil legal services
8 provider or court-sponsored pro bono program ~~Legal Services~~
9 ~~Corporation Act of 1974.~~

10 (b) When a party is represented in a civil action by a
11 civil legal services provider or attorney in a court-sponsored
12 pro bono program, all fees and costs relating to filing,
13 appearing, transcripts on appeal, and service of process shall
14 be waived without the necessity of a motion for that purpose,
15 and the case shall be given an index number or other
16 appropriate filing number, provided that (i) a determination
17 has been made by the civil legal services provider or attorney
18 in a court-sponsored pro bono program that the party is an
19 indigent person and (ii) an attorney's certification that that
20 determination has been made is filed with the clerk of the
21 court along with the complaint, the appearance, or any other
22 paper that would otherwise require payment of a fee.

23 (Source: P.A. 88-41.)